

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

SRI INTERNATIONAL, INC., a California  
Corporation,

Plaintiff and  
Counterclaim-Defendant,

v.

INTERNET SECURITY SYSTEMS, INC.,  
a Delaware corporation, INTERNET  
SECURITY SYSTEMS, INC., a Georgia  
corporation, and SYMANTEC  
CORPORATION, a Delaware corporation,

Defendants and  
Counterclaim-Plaintiffs.

C. A. No. 04-1199 (SLR)

**Public Version**

**DECLARATION OF KYLE WAGNER COMPTON IN SUPPORT OF  
SRI INTERNATIONAL, INC.'S RESPONSE TO DEFENDANTS' JOINT  
MOTION FOR SUMMARY JUDGMENT THAT SRI INTERNATIONAL,  
INC.'S PATENTS ARE INVALID FOR FAILURE TO DISCLOSE BEST MODE**

I, Kyle Wagner Compton, declare as follows:

I am an Associate with Fish & Richardson P.C., counsel for Plaintiff SRI International, Inc. ("SRI"). I make the following statements based on personal knowledge.

1. Attached as Exhibit A is a copy of the Expert Report of Stephen E. Smaha dated April 21, 2006.
2. Attached as Exhibit B is a copy of the Invalidity Expert Report of L. Todd Heberlein dated April 21, 2006.
3. Attached as Exhibit C is a true and correct copy of *Optical Disc Corp. v. Del Mar Avionics*, 45 Fed. Appx. 887 (Fed. Cir. 2002).
4. Attached as Exhibit D is a true and correct copy of excerpts from the transcript of the March 30, 2006, deposition of Phillip Porras.

5. Attached as Exhibit E is a true and correct copy of excerpts from the transcript of the March 23, 2006, deposition of Alfonso Valdes.

6. Attached as Exhibit F is a true and correct copy of an email dated July 2, 1999, bearing production numbers SRIE 0037570 – 37571.

7. Attached as Exhibit G is a copy of the Rebuttal Expert Report of Stephen E. Smaha dated May 16, 2006.

8. Attached as Exhibit H is a copy of the Supplemental Responses and Objections of ISS-GA and ISS-DE to SRI's Interrogatory Nos. 6 and 11.

9. Attached as Exhibit I is a copy of ISS-GA's Second Set of Interrogatories (Nos. 19-20).

10. Attached as Exhibit J is a copy of SRI's Responses to ISS-GA's Second Set of Interrogatories (Nos. 19-20) and SRI's Third Supplemental Response to ISS-GA's Interrogatory No. 17.

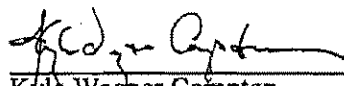
11. Attached as Exhibit K is a copy of Symantec's Fourth Supplemental Response to SRI's Interrogatory No. 6.

12. Attached as Exhibit L is a copy of the Second Supplemental Responses and Objections of ISS-GA and ISS-DE to SRI's Interrogatory No. 6.

13. Attached as Exhibit M is a true and correct copy of excerpts from the transcript of the May 26, 2006, deposition of George Kesidis.

I declare under penalty of perjury under that the foregoing is true and correct.

Executed this 30<sup>th</sup> day of June 2006, in Wilmington, Delaware.

  
\_\_\_\_\_  
Kyle Wagner Compton

**CERTIFICATE OF SERVICE**

I hereby certify that on July 10, 2006, I electronically filed the **REDACTED –  
DECLARATION OF KYLE WAGNER COMPTON IN SUPPORT OF SRI  
INTERNATIONAL, INC.’S RESPONSE TO DEFENDANTS’ JOINT MOTION  
FOR SUMMARY JUDGMENT THAT SRI INTERNATIONAL, INC.’S PATENTS  
ARE INVALID FOR FAILURE TO DISCLOSE BEST MODE** with the Clerk of Court  
the attached document using CM/ECF which will send electronic notification of such  
filing(s) to the following Delaware counsel.

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/s/ John F. Horvath

John F. Horvath